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July 27, 2021

VIA ECF

Hon. Chief Judge Freda L. Wolfson
United States District Court- District of NJ
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street, Court Room 5E
Trenton, NJ 08608

Re: In re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigation - MDL 2738

Dear Chief Judge Wolfson:

I write in response to Mr. Placitella's July 22, 2021 correspondence regarding plaintiffs' disclosure obligations pursuant to Local Rule 7.1.1. The Johnson & Johnson defendants do not object to Mr. Placitella's request that plaintiffs be permitted to file one disclosure per firm listing all cases categorized by those receiving third party litigation funding – with the appropriate information – and those that are not receiving such funding.

Defendants disagree with Mr. Placitella's suggestion that a certification is not required in cases where plaintiffs (or their attorneys) are not receiving third party litigation funding. Local Rule 7.1.1 does not provide for any such carve out, nor should an exception be allowed here as doing so in the context of this MDL would make compliance enforcement an impossibility. The absence of any response to this disclosure requirement will leave unclear whether (a) the party has no litigation funding to disclose or (b) the party has overlooked its obligation to comply with the disclosure rule. Third party litigation funding disclosure is akin to and no more burdensome than disclosure of insurance coverage pursuant to Rule 26, whereby a party without insurance may simply respond "not applicable" but nevertheless still provides a response.

Thank you for your consideration of this matter.

Respectfully submitted,

FAEGRE DRINKER BIDDLE & REATH LLP

/s/ *Susan M. Sharko*

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July 27, 2021

cc: Michelle A. Parfitt, Esq.
P. Leigh O'Dell, Esq.
Christopher M. Placitella, Esq.